IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.2471/07
Poorana Ram Vs. State of Raj. & Ors.

24.08.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Suresh Charan for petitioner.

This writ petition has been filed with the prayer that the order dated 17.1.2007 whereby the action initiated against respondent no.4 for declaring her disqualified to continue on the post of Pradhan, P.S. Ladnu, District Nagaur was dropped by the Government be quashed and set aside and the respondents be directed to implement that order thereby declaring the respondent no.4 disqualified to continue in the office of Pradhan P.S. Ladnu in view of the provisions contained

in Section 19(l) of the Rajasthan Panchayati Raj Act.

The issue which the learned counsel sought to raise in the present petition is squarely covered by the decision of Larger Bench in the case of Smt. Sameera Bano Vs. State of Raj. & Ors, D.B. Special Appeal (W) No.236/06, decided on 2.4.2007 wherein it has been held that in relation to a disqualification which exists prior to the date of election, the only remedy would be to challenge the election of that candidate by way of election petition and the Government cannot proceed against that candidate in administrative action u/s. 39 of the Rajasthan Panchayati Raj Act.

Following the view taken by the

larger bench in Smt. Sameera Bano, supra, no case is made out for interference. The writ petition is dismissed.

(Mohammad Rafiq),J.

Rs/-